

The protection and sustainable use of forests from the legal point of view

Abstract

The main goal of the dissertation is to provide a comprehensive analysis of fundamental sources of legal regulation of forest protection and sustainable use of forests, to identify main shortcomings of existing instruments and the possibilities to overcome these deficiencies in the future at the international level, European Union level, and the level of the Czech Republic.

The dissertation deals first with the significance of the complex forest functions, through which the economic social, ecological, cultural and spiritual needs of the whole society are satisfied and are indispensable for all life on Earth. The legal regulation should strive to ensure the balanced use of forest functions by promoting the principles of sustainable forest management, the protection of forest functions and the general use of forest by the public. In view of the importance of forests beyond the borders of a state, the dissertation deals also with the status of the forest as a natural resource, which is fundamentally influenced by the principles of international and environmental law. In order to increase the responsibility of states for forest protection, it would help to regard forests as a natural resource of "common concern", the protection of which is ensured within the framework of the concept of "custodian sovereignty" of states.

In relation to the international level, the dissertation focuses on the reasons for the unsuccessful efforts to adopt a global legally binding convention on the protection of all type of forests. It deals with non-binding strategic documents directly related to the area of forest protection and legally binding conventions, which have a different main focus, such as protection of biodiversity or the Earth's climate system, but they make a significant contribution to the conservation and sustainable use of forests. The International Tropical Timber Agreement from 2006 cannot unfortunately constitute a suitable platform for global forest protection as it only applies to tropical forests in the territory of the producing parties of the agreement. Despite these limitations the International Tropical Timber Agreement can serve as a basis for the future international forest governance especially through the cooperation across international conventions, notably the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change

(UNFCCC). The most significant intersection of the international climate regime with the international forest protection regime is a mechanism to reduce emissions from deforestation and forest degradation REDD+ with the potential to reduce carbon emissions and protect other forest benefits while redistributing forest benefits fairly among concerned individuals.

In a pan-European context, the dissertation deals with the process of achieving a legally binding universal convention on the protection of all types of forests in Europe within the scope of Ministerial Conference on the Protection of Forests. At the EU level the dissertation deals with the new EU forestry strategy, the EU Action Plan on Forest Law Enforcement, governance and trade, the inclusion of the LULUCF sector to the binding emission reduction targets, and with the legal regulation of Natura 2000, as they are essential tools for protection of the forest.

Within the Czech Republic, the dissertation highlights the need to adapt the forest protection legislation to the growing demand of the society for the complex functions of forests and to create tools to address current threats, such as changing climate conditions. In this respect, the dissertation deals with the forestry policy of the Czech Republic and with the individual tools for promotion of sustainable use of forests in the Forest Act, the Nature and Landscape Protection Act and the Hunting Act.

Key words: protection of forests, sustainable use of forests, the Forest Act